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Supreme Court, U.S.
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No. 02-809

IN THE

Supreme Court of the United States

STATE OF MARYLAND,
Petitioner,

v.

JOSEPH JERMAINE PRINGLE,
Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED NOVEMBER 22, 2002
CERTIORARI GRANTED MARCH 24, 2003

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The following opinions have been omitted in printing this joint appendix because they appear in the appendix to the Petition for Writ of Certiorari, on the following pages:

Reported opinion of the Court of Appeals
of Maryland, filed August 27, 2002,
Joseph Jermaine Pringle v. State of Maryland,
370 Md. 525, 805 A.2d 1016 (2002) 1a-49a

Reported opinion of the Court of Special Appeals
of Maryland, filed November 28, 2001,
Joseph Jermaine Pringle v. State of Maryland,
141 Md. App. 292, 785 A.2d 790 (2001) 50a-77a

RELEVANT DOCKET ENTRIES

October 6, 1999 — Two-count criminal information filed, charging possession with intent to distribute cocaine and possession of cocaine.

November 22, 1999 — Defendant's motions pursuant to Maryland Rule 4-252, including motion to suppress, filed.

March 23, 2000 — Defendant's motion to suppress heard and denied.

April 10, 2000 — Jury trial commenced.

April 11, 2000 — Jury returned guilty verdicts on both counts of information.

May 9, 2000 — Defendant sentenced to 10 years on Count 1; Count 2 merged with Count 1 for sentencing.

May 15, 2000 — Defendant's notice of appeal filed.

November 28, 2001 — Reported Opinion of Court of Special Appeals of Maryland affirming judgment below.

August 27, 2002 — Reported Opinion of Court of Appeals of Maryland reversing judgments below.

[1] THE CIRCUIT COURT FOR
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND

vs.

JOSEPH PRINGLE

Case Number: 99-CR-3578

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REPORTER'S OFFICIAL
TRANSCRIPT OF PROCEEDINGS
Motions Hearing

Towson, Maryland
March 23, 2000

BEFORE: THE HONORABLE ALEXANDER WRIGHT, JR.,
Associate Judge
APPEARANCES:
On Behalf of the State:
DANIEL BERNARD TRIMBLE,
ASSISTANT STATE'S ATTORNEY
On Behalf of the Defendant:
DONALD ZAREMBA,
ASSISTANT PUBLIC DEFENDER
Reported By:
Kathleen A. Papesh

[2] * * * * * *

MR. TRIMBLE: Calling State versus Joseph Pringle. Daniel Bernard Trimble on behalf of the State. This is set in for motions this afternoon.

MR. ZAREMBA: For the record, Donald Zaremba. My client is present with me. Before we start, I would like to make a preliminary motion to sequester the State's witnesses and then I will set forth the grounds for the motions.

THE COURT: Have the officer step outside. Please do not discuss your testimony with anyone.

MR. ZAREMBA: Thank you.

Your Honor, I am moving in this case to suppress evidence --

THE COURT: Mr. Pringle, you may be seated.

MR. ZAREMBA: I would like to set forth the grounds to support my motion to suppress. I am moving to suppress a statement that was allegedly given by my client, Joseph Pringle, to Officer Snyder of the Baltimore County Police Department on August 7, 1999. I am also moving to suppress any evidence that was seized from my client at the time of his arrest by the Baltimore County Police Department on August 7, 1999. I am moving to suppress both items of evidence on the grounds that they were taken -- they are as a result of an illegal search and seizure of my client in violation of the fourth and fourteenth amendments of the [3] Constitution of the United States. I am also alleging, Your Honor, that the evidence should be suppressed because the statements that were given in this case are involuntary under Maryland Common Law, under Article 2 of the Declaration of Rights and the fourth

and fourteenth Amendments of the Constitution and also that the statements were not taken in compliance with the dictates of the Miranda decision.

Thank you.

MR. TRIMBLE: Your Honor, with regard to the statement, we will just have Officer Snyder. With regard to any evidence actually [seized] from the person, there is none. Evidence was seized from a car which the Defendant was a passenger in. The State is not waiving standing on the Defendant's behalf in that regard. So other than that, I will just have Officer Snyder come in and testify.

THE COURT: Very well.

A witness called to testify on behalf of the State was duly sworn and testified as follows:

THE CLERK: Please state your full name and current duty assignment for the record.

WITNESS: Officer Jeffrey Snyder. I work out of the Garrison precinct, Precinct Three.

MR. TRIMBLE: Officer Snyder, I am going to direct your attention to August 7, 1999. Were you working in the Garrison Precinct at that time?

[4] A Yes.

Q Directing your attention to approximately 3:16 a.m., were you on duty at that time?

A Yes.

Q Were you in a marked vehicle and in uniform at that time?

A Yes.

Q What, if anything, unusual did you observe at that time, Officer?

A I observed -- let me refer to my notes to the exact type of vehicle. I observed a silver 1987 Nissan Maxima bearing Maryland registration FPC331 traveling on High Falcon Road at a high right of speed with the driver not wearing a seat belt.

Q Now, were there any other occupants in the vehicle?

A Besides the driver, two.

Q Did you effectuate a traffic stop?

A Yes.

Q What was the reason for the traffic stop?

A For driving at a high rate of speed in a posted 25 mile an hour zone and the driver was not wearing a seat belt.

Q Did you identify the driver?

A Yes, by his driver's license.

[5] Q What was his name?

A Donte Carol Parlo.

Q Were you able to identify the passengers of the

vehicle?

A Yes.

Q Who was -- well, where were they seated?

A Front right seat, passenger's seat was the Defendant, Mr. Pringle.

Q And who was in the back seat?

A Otis Smith I believe.

Q Did you issue a citation to the driver of the vehicle?

A No, I did not.

Q What did you do in that regard?

A I gave him a verbal warning.

Q Where was he in terms of inside the vehicle or outside the vehicle when you gave him the verbal warning?

A He was outside the vehicle.

Q And when you had stopped the vehicle and asked the driver to get out, what, if anything, did you ask the two passengers to do?

A Well, --

Q Did you ask them to do anything?

A When I asked the driver to get out of the vehicle?

[6] Q Yes.

A I didn't ask them to do anything.

Q Having stopped the vehicle, were you the only officer in your car?

A When I stopped the vehicle, yes.

Q Did any other officers arrive on the scene?

A Subsequently another officer arrived shortly thereafter.

Q And was that before or after you issued the verbal warning to Mr. Parlo?

A After I initiated the verbal warning.

Q And where exactly was the area of the stop?

A It was on high Falcon Road just east of Route 140.

Q What kind of street is High Falcon? Is it industrial, residential?

A A residential street.

Q Does it have sidewalks?

A Yes, it does.

Q Street lights?

A Yes.

Q When you pulled over Mr. Parlo's car, was it pulled to the side of the road or on the shoulder?

A Off to the right-hand side of the road.

Q Where did you park your vehicle? In front or **[7]** behind?

A Directly behind.

Q And the other police vehicle that arrived on the scene, where was it parked?

A Directly behind my vehicle.

Q So, it was Parlo's car, your car and then behind you was the other officer?

A Yes.

Q Okay. I take it -- well, when you asked for Mr. Parlo's driver's license, did you run that information through the MVA?

A Yes, I did.

Q And during that time, where was Mr. Parlo?

A Mr. Parlo?

Q Yes.

A He was in his vehicle.

Q Where was the Defendant and the other passengers?

A They were in their respective spots in the vehicle.

Q After receiving whatever information you got back from the MVA, I take it you responded back to the vehicle?

A Yes, I did.

Q Did you have any -- did you have Mr. Parlo's **[8]** license or registration with you?

A When I went back to the vehicle?

Q Yes.

A Yes, I did. I had a driver's license and I believe his registration with me.

Q Did you return it to Mr. Parlo?

A Yes, I did once I had him outside the vehicle.

Q Did you ever take the information, the actual physical documents, from either the Defendant or the other passengers?

A I don't recall whether I took their identification. I might have taken it to identify them. I don't recall whether I did or not.

Q Do you recall whether you held onto any of their identification?

A Not that I recall, no.

Q Had you retained their identification, would that be something out of the ordinary course for you to do?

A If I had any reason to hold them, I might hang onto their identification, but otherwise, no.

Q So, after identifying them, you typically would return the identification material to the person?

A Sure.

Q After issuing the verbal warning, what, if anything, else did you ask of Mr. Parlo?

[9] A After returning his identification?

Q Yes.

A I asked him if he had anything in the vehicle, any drugs, weapons, narcotics in the vehicle.

Q What did he say?

A He said no.

Q What did you ask him after that?

A I asked him if he would mind that I search his vehicle.

Q What did he say?

A He said yes, go ahead.

Q And was he standing outside the vehicle at that time?

A Yes.

Q What did you do in regard to the two passengers, the

Defendant and the back seat passenger, Mr. Smith?

A I asked them to exit the vehicle.

Q Did they, in fact, exit the vehicle?

A Yes, they did.

Q Where did they go, sir?

A I asked them to take a seat over on the sidewalk.

Q Was that where Mr. Parlo was?

A Yes.

Q Did they all three sit down?

[10] A Yes.

Q Where was the other officer at that time?

A Standing between the two vehicles.

Q Did you subsequently conduct a search at that time?

A Yes, I did.

Q And what part of the car did you search first?

A The front of the vehicle, the front driver's side.

Q And did you discover anything in that area?

A No, I did not.

Q How long did it take you to search that area?

A Maybe thirty seconds.

Q And did you search the rear area? That is, the rear seat area of the vehicle?

A Yes, I did.

Q When was that?

A After I searched the front right passenger's seat area, that's when I found the money in the glove box.

Q When you found the money in the glove-box, was that in regard to when you searched the front area of the vehicle? Was that before or after?

A Well, when I went up to -- actually when I was at the vehicle the first time and I was talking to the driver and asking for his registration, that's when I saw the money **[11]** in the glove box. I knew money was already in there. At that point when I was searching the vehicle, I took the money out of the glove box and put [it] in the front seat. I then went to search the back seat and that's when I found the crack cocaine.

Q How long did it take you to find that item?

A You mean the entire search?

Q Well, from when you started searching the back seat.

A Maybe ten seconds, fifteen seconds.

Q And how long did it take you to complete your whole search?

A Maybe three minutes.

Q When you said you found crack cocaine, I take it you did not just find it laying all by itself. Was it packaged separately?

A Yes, it was. I believe it was five glassine baggies. I would have to read my probable cause here. It revealed a clear plastic Ziploc baggie containing five smaller glassine baggies containing a white rock-like substance underneath the armrest.

Q What did you do with the three individuals after that discovery?

A At that point I talked to them. I interviewed Mr. Parlo there. I spoke to him.

[12] Q What did he tell you, if anything?

A He really wouldn't tell me anything.

Q Okay. What did you do after speaking with Mr. Parlo?

A I had him stand to one side of the wall.

Q What happened after that?

A I spoke to the Defendant, Mr. Pringle, and the other subject, Mr. Smith.

Q And this was on the side of the road?

A Yes.

Q And after speaking to them, what, if anything, did

you do?

A They didn't devulge any information as to who the drugs or the money belonged to. At that point all three were arrested and transported back to our precinct.

Q Prior to getting back to the precinct, let me ask you a few more questions. When you informed Mr. Parlo that you were giving him a verbal warning in regard to the seat belt violation and speeding, do you recall what it is you said to him?

A I believe I said to him based on your record after I ran his driving record, his record was not that bad. I explained to him this was a residential area and I was giving him a break inspite of the fact that he was speeding. I believe that was all I said.

[13] Q And he was outside of his vehicle at that time?

A Yes.

Q Where was he standing?

A Between my vehicle and his vehicle.

Q Do you recall saying anything to either passenger in regard to the warning that you gave to Mr. Parlo?

A No, I do not.

Q Did you say anything at all to Mr. Pringle or Mr. Smith after asking them to step out of the car so you could search it?

A Other than having them step out of the car, I believe

I patted each one down for weapons. Other than that, no.

Q Now, once you got back to the precinct, Officer, what did you do specifically in regard to the Defendant, Mr. Pringle?

A I read his rights per Miranda.

Q And where was that?

A Well, --

Q Do you recall which room it was?

A In the interview room.

Q Can you describe that.

A It is basically a four by four desk, two chairs. On the wall is a Miranda rights card. That's about it.

Q Does the room have one door, two doors, windows?

[14] A It has one door.

Q Does it have any windows?

A No, it does not.

Q How is it lit?

A As lit as it is here.

Q Were those lights on at that time?

A Yes, they were.

Q Do you recall what time of day it was when you spoke to him?

A Approximately 4:35, 5:00 in the morning. Maybe 4:00. I stopped him at 3:16. Maybe forty-five minutes after that. Maybe 4:00.

Q You indicated that you said the Miranda rights were on the wall. What do you mean the Miranda rights were on the wall? Was it painted on?

A No, in our precinct they are taped to the walled.

Q What would be those rights, if you recall?

A The Miranda rights. You have the right to remain silent. Anything you say can be used against you in a court of law.

Q Did you read that verbatim?

A Yes, I did.

Q Court's indulgence.

THE COURT: Yes.

[15] MR. TRIMBLE: Officer, I am going to show you a document and ask you is this the same kind of card that they have taped to the wall in the interview room of Precinct Three?

A Pretty much. The only difference is the one in the precinct they have lines for you to initial. Other than that, this is identical.

Q Can you tell us what the rights were that you read to

the Defendant that day.

MR. ZAREMBA: Your Honor, I would object at this point. If the Officer can remember what was on the sign, that's one thing. For him to just read a card that Mr. Trimble has placed before him I think is objectionable.

THE COURT: Well, he has testified that it was similar. He can ask him to read it and ask him is there anything different from it. So, I will allow it.

MR. TRIMBLE: Officer, if you could read just the five numbered sections. Then tell us if there is anything different.

A You have the absolute right to remain silent. Anything you say can and will be used against you in a court of law. You have a right to talk to a lawyer at any time during any questioning. If you want a lawyer and cannot afford one, you may request the Court to appoint a lawyer prior to any questioning. If you agree to answer questions, **[16]** you may stop at any time and no further questions will be asked. It is identical to the one I read him.

Q Thank you. Did the Defendant appear to have any difficulty understanding the rights that you were reading to him?

A No.

Q Did you ask him if he understood English?

A Yes, I did.

Q And did he say he did?

A Yes.

Q When you talked, did you actually speak in English?

A Yes.

Q Did he appear to have any difficulty understanding any concepts of the Miranda rights as you read them to him?

A No.

Q When you spoke -- strike that. After reading those rights, did you ask him if he had any questions?

A Yes, I did.

Q Did he have any questions about the rights that you had just read to him?

A No, he did not.

Q Did he ask for or did he make an election in regard to remaining silent?

[17] A I am sorry?

Q Did he say one way or the other whether he wished to remain silent?

A No, he did not.

Q Did he ask for a lawyer?

A No, he did not.

Q Did he tell you that he was willing to answer your questions?

A Yes, he did.

Q Did you ask him to give a statement?

A Yes, I did.

Q Did you ask him to give an oral statement or a written statement?

A He gave me both.

Q In the oral portion of the statement, what, if anything, did you ask him?

A I asked him where exactly all three of them were going that night. How did the drugs get in the back seat. Who did they belong to. Whose money was it I found in the glove box.

Q What did he tell you in regard to the place that they were going?

A I believe he said he was going to Westminster with his friends for a party.

Q When you asked him who the drugs belonged to, [18] who did he say?

A He said they belonged to himself.

Q And when you asked him who the money belonged to, what did he say?

A Himself.

Q After asking those series of questions, did you ask

him to give a written statement?

A Yes, I did.

Q If I could have this marked. Officer, I am going to show you what was marked for the motions hearing for identification only at this point as State's Exhibit Number One. It is a two page document. Can you review that document and tell me if you recognize it.

A Yes, I do.

Q And what is that document, sir?

A It is the statement that Mr. Pringle gave me.

Q Now, is this an original of the statement or is this a photocopy?

A It is a copy.

Q Now, the statement or the form that it is written on, is that a Baltimore County form?

A Yes.

Q And what is the title of that form?

A Baltimore County Police Department Witness Statement form.

[19] Q And does it have a form number that the Baltimore County Police Department assigned it?

A Form 14A.

Q Now, is there a new version of the 14A form?

A I believe so, yes.

Q At the top of the form there is a block section with a number of indicators for location, name, CC number and things of that nature. Below that there is a series of ruled lines. In the top section, does this have a complaint number that you would be able to refer to?

A Yes.

Q And is that the same complaint number as in this case?

A Yes, it is.

Q And in regard to the location and name of person on the form, do those all relate to the Defendant in this case?

A Yes, it does.

Q And who filled all of that information out?

A I believe I did.

Q Does it give a full name for the Defendant?

A Yes, it does.

Q What is that?

A Joseph Jermane Pringle.

Q Does it give an age?

[20] A Age twenty-four.

Q And a date of birth?

A November 16, 1974.

Q And an address?

A 1717 West Madison Avenue, Apartment 203.

Q And phone number?

A 383-0395.

Q The rest of the information was in your [i]dentification number and assignment?

A Yes.

Q Below that there is in the ruled lined area there begins on the front page a section that appears to be just a narrative written out, not a question and answer. It is one paragraph. Who wrote that?

A The Defendant Pringle.

Q And below that there is what looks like a question and answer section. One sentence starting with a Q and below would be with an A and then the next sentence after that a Q. Is that a question and answer section that you did with the Defendant?

A Yes, it is.

Q Who wrote the question portion?

A I did.

Q Who wrote the answer portion?

A The Defendant Pringle.

[21] Q On page two of this document, again, you have the information identifying information at the top of the form. Does that correspond with the information on the first page?

A Yes, it does.

Q And the ruled lined area, is that a continuation of the question and answer portion that you held with the Defendant?

A Yes.

Q At the bottom of each page, Officer, there is a line that is marked signature. Whose signature is that?

A The Defendant, Joseph Pringle.

Q And below that there is a line marked witness. Whose signature is in that line?

A My signature.

Q Next to the signatu[r]e line there is a date and next to that a time. Can you read those for the Court, please.

A Date is August 7, 1999.

Q And the next page, is that information exactly the same?

A Yes.

Q Now, at the bottom below all of that on the first page there is a page one of two and on the second page a page two of two. Is there any other page that would be **[22]** missing from this document?

A No.

Q Do you recall in your review of this document any changes in any way, shape or form since the time you completed your interview session with the Defendant?

A No.

MR. TRIMBLE: Your Honor, I would offer this as State's Exhibit Number One.

THE COURT: Admitted subject to the Defendant's motion.

MR. ZAREMBA: Thank you.

MR. TRIMBLE: Officer, if you could, could you read the paragraph portion to the Judge.

A "On August 6, 1999, at 8:00 p.m., I met with an Otis Smith and then I called Donte Parlo so we could meet him at Millford Station to go to a party in Westminster, to meet up with some girlfriends of his. On our way there before we -- it looks like -- exited the car, I asked Donte Parlo to put my money into his glove box. After putting money in the glove box, I put a bag of crack cocaine in the arm rest of his back seat."

Q Now, in that paragraph portion, there appears to be an edited section that is scratched out and then written above it to attend. Who did the editing?

A The Defendant.

[23] Q Now, in the first question, can you read that for the Court, please.

A "Did Otis Smith or Donte Parlo know or have anything to do with the crack or money."

Q And what was the answer?

A "No."

Q And who wrote the answer?

A The Defendant Pringle.

Q Now, it appears that it is written in two separate places. Did he write in two separate places?

A Yes, he did.

Q Now, the next question, please.

A "Where did you get the money."

Q And the answer?

A "I got the money from work."

Q On the second page, Officer, if you could continue with the question.

A "Question, where did you get the cocaine."

Q And the answer?

A "They owed me money, so I took from them as payment of what they owed me."

Q Now, in that answer portion there appears to be some editing. That is, some questions or words that were scratched out. Who did the scratching out?

A The Defendant Pringle.

[24] Q Now, the next question, Officer.

A "What were you planning to do with the cocaine."

Q And the answer?

A "I was going to get r[i]d of it any way I could as payment."

Q And the next question after that?

A "What do you mean by get rid of it."

Q And the answer?

A "Use it for sex or to sell it."

Q And the next question after that?

A "Were your rights advised to you before signing this statement."

Q And the answer?

A "Yes."

Q The question were your rights read to you, what

rights were you referring to?

A The Miranda rights.

Q Did you indicate any other rights to the Defendant that could have confused him with regard to your questioning as to which rights were advised of him?

A No.

Q How was his demeanor during the interview?

A Calm.

Q And how was his attention to you? Did he seem to be paying attention to you or not paying attention to you?

[25] A No, he was very attentive.

Q Did he ask for any kind of food or drink during the interview up to and including the time of the interview?

A No, he didn't.

Q Did he indicate to you whether he needed to use the bathroom or to smoke a cigarette?

A No.

Q Did he fall asleep at any time?

A No, he did not.

Q Did he appear to be under the influence of any drugs or alcohol beverages up to and including the portion of the interview?

A No.

Q Okay.

A Not that I was aware of.

Q Did you make any physical threats to the Defendant at any time whether at the scene or back at the precinct up to and including the interview?

A No.

Q Did you make him any promises in regard to what you may or may not do to him or do in regard to this case or the cocaine that was found or the money that was found?

A No.

Q Did the Defendant make any requests of you in regard to the cocaine or the money or anything else?

[26] A No.

Q While you had him in the interview room -- strike that. After you arrested him, I imagine you placed him in handcuffs at some point?

A Yes.

Q When you responded to the precinct and took him into the precinct for processing, was that before or after the interview?

A I am sorry?

Q When you processed the Defendant, was it before or after the interview?

A What do you mean process?

Q After you got him out of your car and took him back to the precinct, what did you do?

A I completed a 166 arrest form.

Q And after that, when did you do the interview?

A I had to process all three of them. So, after I processed them, then at that point I interviewed them.

Q Okay. When you were in the interview room with the Defendant, was anybody else in there with you?

A No.

Q Were any of the co-defendants in there with you?

A No.

Q Did you mention anything what the co-defendants may or may not have said to you?

[27] A No, I did not.

Q When you were in the interview room, was the Defendant handcuffed or shackled in any way?

A I believe -- usually as a routine we cuff them to a bar in the room. I don't recall at this time whether he was handcuffed at that time. I don't think he was only because I believe he wrote right-handed. In order for him to write right-handed, there is no way to sit in that room while you were cuffed to the wall. I would assume that he was not cuffed at that point.

Q The perpetra[]tor that we have been discussing as the Defendant, do you see him here in the courtroom?

A Yes.

Q Can you point to him. Indicating for the record, Your Honor, the Defendant.

That's all the questions I have for Officer Snyder.

THE COURT: Cross-examination.

MR. ZAREMBA: Officer Snyder, on August 7, 1999, you pulled over this Nissan Maxima at what time in the morning?

A 3:16 in the morning.

Q And you pulled it over because you believe it might be speeding and because the driver was not wearing a seat belt?

A Yes.

[28] Q And you didn't pull it over because you had received any anonymous tips of criminal activity, correct?

A No, I did not.

Q This was merely a traffic stop?

A Yes.

Q When you pulled the car over, the car complied with your activating your police lights?

A Yes.

Q And you approached the driver's side of the vehicle?

A Yes.

Q Did you call for back-up at that point?

A No.

Q Okay. So, you approached the driver's side and you spoke to the driver?

A Yes.

Q Donte Par[lo], correct?

A Yes.

Q And seated in the right front passen[g]er's side of the vehicle was the Defendant, Joseph Pringle?

A Yes.

Q And seated in the back seat of the Nissan Maxima was an individual by the name of Otis Smith?

A Yes.

Q Now, you gave Parlo -- you didn't write him a **[29]** citation, did you?

A Not that I am aware of.

Q You gave him a verbal warning?

A Yes.

Q How long after you pulled that vehicle over did you give him the verbal warning?

A I collected his driver's license and registration and went back to the vehicle.

Q When you say you went back to the vehicle --

A Back to my vehicle.

Q Okay.

A I ran the information over the computer system. At that point I went back up to the vehicle. I asked Mr. Parlo to step out. I spoke to him for a few seconds and gave him his driver's license and registration back after I gave him the warning.

Q So, the question is how long after he was pulled over did you give him a warning?

A Maybe five, seven minutes.

Q Okay. Now, at the time that you gave Mr. Parlo the warning, did you at that point direct Mr. Pringle to exit the vehicle?

A No, I did not.

Q He was still in the vehicle?

A He was still in the vehicle.

[30] Q At the time you gave the warning?

A Yes.

Q Now, did you tell Parlo after you gave him the warning that he was free at that point to drive away?

A No, I didn't tell him he was free. No, I did not say that.

Q So, you continued to question Parlo, correct?

A No.

Q Well, you asked him for consent to search his vehicle?

A Yes.

Q Now, when you approached the vehicle, did you have a flashlight out?

A Yes.

Q You looked inside the vehicle?

A Yes.

Q Shined the light inside the vehicle, right?

A Yes.

Q You didn't see any drugs?

A At that point no.

Q And you didn't see any weapons?

A No.

Q Now, how was Mr. Parlo dressed, do you recall?

A I believe he had on some heavy coat and I believe jeans.

[31] Q Heavy coat in August?

A Maybe it was a sweater. I am not sure. I don't recall what he was wearing.

Q Do you recall what Mr. Pringle was wearing?

A No, I don't.

Q Do you recall what Mr. Smith was wearing?

A No.

Q Okay. Now, when you ordered Mr. Parlo from the car, did you frisk him at that time?

A I believe I did. I asked him if he had any weapons on him.

Q What did he say to you, do you recall?

A He said no. I asked him do you mind if I pat you down and he said sure.

Q So, you patted him down?

A Yes.

Q And after -- then you told him where to stand?

A Yes.

Q Where exactly did you tell him to stand?

A Actually I don't think I told him to stand. He was standing right between the two vehicles.

Q But at some point you told him to sit down at the curb?

A Yes.

Q When was that?

[32] A After I had -- after he gave me consent to search the vehicle, I had him sit on the curb and I asked the other two to get out of the vehicle and sit on the curb.

Q Well, you didn't say you can stay in the vehicle, did you?

A No, I didn't say that.

Q You said to Mr. Pringle get out of the vehicle, right?

A No.

Q Well, --

A I asked them if they would get out of the vehicle.

Q Well, did you say to Mr. Pringle it is your choice. You can stay in the vehicle or you can leave the vehicle, it is up to you?

A No, I didn't say that.

Q Any words to that effect?

A No.

Q So, you told them to get out of the vehicle, right?

A I asked them if they would step out of the vehicle. So, they came out of the vehicle.

Q And you told them where you wanted them located, right?

A I asked them if they would sit on the sidewalk.

[33] Q You told them to sit, right?

A I asked them. I didn't tell them to sit. I asked them if they would sit on the sidewalk.

Q Well, again, you didn't give them the option of standing, did you? You didn't say you can stand wherever you want, right?

A Is there a choice?

Q Well, you didn't communicate this to them, did you?

A I didn't feel I had to.

Q You said sit at the curb, right?

A I didn't feel I had to.

Q Okay.

A I asked them to step out of the vehicle.

Q Well, he steps out of the vehicle, you frisked him,

right?

A I asked them if they had any weapons on them and I asked to pat them down to see if they had any weapons on them.

Q And this was prior to when you told him where you wanted him to remain, right?

A Yes, it was.

Q Okay. You also checked him for identification?

A I believe I did, yes.

Q And you got his driver's license from his pants **[34]** pocket?

A I believe I did.

Q Okay. In which pocket do you recall his license was in?

A No, I do not.

Q Again, you didn't recover any weapons?

A No, I didn't.

Q You didn't recover any drugs from Mr. Pringle?

A No, I did not.

Q So, you reached into his pocket and you removed his driver's license?

A I believe so.

Q You also similarly asked Smith to step from the car, right?

A Yes, I did and he was the sole occupant of the back seat?

A Yes.

Q And you frisked him as well?

A Yes.

Q Patted him down as well?

A Yes.

Q And like the other two, you recovered no weapons, correct?

A That's correct.

Q You uncovered no drugs?

[35] A No, I did not.

Q And, again, you showed Smith where you wanted him to sit, is that right?

A I asked him to sit on the sidewalk.

Q Now, were these three individuals, Parlo, Pringle and Smith, were they told to sit next to each other or told to sit at different locations?

A No, they all sat together on the sidewalk.

Q Okay. Once they were at the sidewalk, again, at no time you didn't tell Mr. Pringle you are free to walk off if you want?

A It is his choice.

Q But you never communicated that to him, did you?

A No, I didn't.

Q And you never communicated it to Mr. Parlo you can walk off, correct?

A No, I did not.

Q And you never communicated it to Mr. Smith that you can walk off, did you?

A No, I didn't. It was their choice.

Q But you never communicated this to them?

A No, I never stated that to them.

Q Okay. Again, did you retrieve[] an identification of some sort from Mr. Smith?

A Yes, I did. I believe I did. I don't recall **[36]** whether I did or not.

Q Where did you retrieve that from?

A I don't know if he gave that to me verbally or he gave me a driver's license. I don't recall.

Q All right. Now, when you searched, then you proceed to search the car?

A No.

Q Correct?

A No.

Q Well, you searched the car when all three individuals were seated at the curb, right?

A That's correct.

Q And you recovered some suspected narcotics?

A Yes.

Q And they were recovered from inside an armrest that was located in the back seat?

A Yes.

Q Did you have -- did you have to lift the armrest to get to those drugs?

A The back rest was up. The seat is flat. The armrest goes up and down. It was in the up position. I pushed it down and the drugs were subsequently there.

Q Okay. So, the back rest was actually in an upright position?

A Yes.

[37] Q And the drugs were actually found sandwiched

between the armrest and the back seat of the car?

A Correct.

Q And you hadn't seen these drugs when you initially approached the car?

A Correct.

Q And you had shined your light inside and the first time you noticed the drugs was when all three individuals were sitting on the curb, correct?

A Correct.

Q This was next to where Otis Smith was sitting?

A The drugs?

Q The drugs.

A Yes.

Q Because he was the only individual you ever saw in the back seat, correct?

A That's correct.

Q Now, the vehicle itself was registered to Mr. Parlo correct?

A Yes.

Q After you recovered the drugs you questioned each individual?

A Yes.

Q Did you question them collectively or one at a time?

[38] A One at a time.

Q And did you ask -- who did you begin with?

A Mr. Parlo.

Q And you testified that Parlo didn't provide you with any information?

A Correct.

Q And the same is true of Mr. Pringle and Mr. Smith?

A Yes.

Q Now, what you did when you conducted the interviews, you told the two individuals to remain seated at the curb while you took the individual that you were questioning away from them, is that correct?

A No.

Q How did you conduct the interview?

A I asked Mr. Parlo if he would step over on the other side of the street with me.

Q And Parlo did?

A Yes.

Q You did the same thing with Pringle?

A Yes.

Q And you questioned him on the other side of the street?

A Yes.

Q Then you did the same thing with Smith, you [39] questioned him on the other side of the street?

A Yes.

Q You were asking each of the individuals whose drugs are these?

A Basically, yes.

Q When you asked that question of Mr. Pringle, you also said if you don't get an answer to the question of whose drugs are these, you are going to arrest all three of them and take them to the precinct?

A Yes.

Q Okay. When you didn't get an answer from all three of them, you arrested all three of them?

A Correct.

Q Now, did you transport Mr. Pringle back to the precinct in your vehicle?

A You know, I don't know. I don't remember who transported him.

Q Some of the individuals went in one car and some

individuals went in another car?

A I believe so.

Q Of course, when you arrested Mr. Pringle, you handcuffed him at that time?

A Yes, he was.

Q And you searched him again?

A Yes, I did.

[40] Q And you didn't find any drugs on him, is that correct?

A Yes.

Q When you took him back to the precinct, the first thing you did was shackle him to a wall in the precinct, right?

A I didn't, but yes, he was.

Q How long was he shackled to the wall?

A I couldn't tell you. As long as it took me to process and took me to interview. I don't know who I interviewed first. I couldn't really tell you. Maybe an hour. Maybe an hour and a half. It depends on how long it takes me to process.

Q Do you recall what time you arrived at the precinct?

A Maybe 4:00, 4:15. Somewhere in there.

Q Before you interviewed Mr. Pringle, you said to him you have one last chance to tell me whose drugs these are or all

three of you will be arrested or words to that effect?

A When? At the precinct?

Q Yeah.

A No, I never said that, not that I recall.

Q Okay. Did you eventually charge Mr. Parlo with the possession of these drugs?

A No, I did not.

[41] Q Okay. Did you eventually charge Mr. Smith with possession of these drugs?

A No, I did not.

Q So, the only person who ends up being arrested for possession of these drugs is Mr. Pringle, correct?

A That's correct.

Q And possession with intent to distribute in this case?

A Yes.

Q So, it was back at the scene of the arrest that you told Mr. Pringle that if you don't tell me whose drugs these are, all three of you are going down?

A Yes.

MR. ZAREMBA: Your Honor, I have no further questions.

THE COURT: State.

MR. TRIMBLE: Officer, I take it then since neither Mr. Parlo nor Mr. Smith were subsequently charged after they were taken back to the precinct that in your interviews with them neither one of them admitted to the ownership or intended distribution of the cocaine?

A That's correct.

Q Now, in the -- strike that. At the time when you spoke to the three individuals at the scene of the traffic stop, had you handcuffed any of them at that time?

[42] A No, I did not.

Q Had you indicated to any of them that they were, and this is after the search, a suspect in regard to the possession of the drugs? Well, let me ask you this, did you advise all three of them that you had found drugs in the car?

A Yes, they were aware.

Q So, they all knew that your questions were going to be pertaining to those drugs, correct?

A Yes.

Q Did any of them fess up and say yes, those are my drugs?

A No, they did not, not totally.

Q And in questioning them, did you tell them that if one person is going to be the one who fesses up tell me now so I can let the other two go?

A No.

Q What was it that you actually said, if you recall?

A I basically said I wanted to know whose these belonged to.

Q And when nobody said that they are mine or that they are his, what did you do?

A I said well, you are all going to get arrested.

Q Did you, in fact, do that?

A Yes, I did.

[43] Q Okay. Now, prior to your coming back out of the car with the bag full of crack in your hand, when you were conducting the search you had asked the three individuals to sit on the curb?

A Yes.

Q Were they all in a general area?

A They all sat right next to each other.

Q And the other officer who was there, was he in uniform?

A Yes, he was.

Q Had you told any of the individuals, Mr. Parlo, Mr. Smith or the Defendant, Mr. Pringle, while they were sitting there as you were conducting this search or getting ready to conduct a search that you suspected them of committing any

type of crime?

A No, I did not.

Q Were you holding onto any of their documentation at that time?

A No, I was not.

Q Did either you or the other officer have any physical contact with those individuals other than your brief pat down for weapons?

A No, we did not.

Q Did either you or the other officer display any threatening behavior in an attempt to keep those individuals [44] where they were?

A No.

MR. TRIMBLE: Those are all the questions I have for Officer Snyder, Your Honor.

MR. ZAREMBA: Your Honor, I have nothing further.

THE COURT: Officer, you may step down.

MR. TRIMBLE: Your Honor, that's the testimony for the State.

THE COURT: Okay. Mr. Zaremba.

MR. ZAREMBA: Stand up, Mr. Pringle. At this point in the hearing you have an option -- Your Honor, I would just ask that the witness step outside.

THE COURT: Very well.

MR. ZAREMBA: Mr. Pringle, you have the option to testify or you have the absolute right to remain silent. If you choose not to testify, Judge Wright would not infer that you were guilty because you chose not to testify. If you testify, you are subject to cross-examination by the State's Attorney like any other witness in this case.

Do you wish to testify in this matter?

DEFENDANT: Yes.

Q Okay. Why don't you take the stand.

At which time the Defendant was duly sworn and testified as follows:

THE CLERK: Please state your full name and [45] current address for the record.

WITNESS: Joseph Jermane Pringle, P R I N G L E. Address is 1717 West Madison Avenue, Baltimore, Maryland, Apartment 203.

MR. ZAREMBA: Mr. Pringle, on August 7, 1999, were you a passenger in a car driven by Donte Parlo?

A Yes, I was.

Q And who else was in the car?

A Otis Smith.

Q How did you know these individuals?

A I grew up with them.

Q They are friends of yours?

A Yes.

Q Close friends?

A Yes.

Q Where were you going?

A We was coming from Westminster going to a girl's house.

Q Now, did there come a time when the car was pulled over?

A Yes.

Q Okay. Was Officer Snyder the individual involved in stopping the vehicle?

A Yes.

Q When the car was pulled over, what, if any, **[46]** direction did Officer Snyder give to you?

A At the time none.

Q Well, what did you hear him say with regard to the driver?

A He asked for license and registration.

Q Okay. Now, did there come a time when the officer

said anything to you?

A After backup arrived.

Q What did Officer Snyder ever say to you?

A He asked me to exit the vehicle.

Q Okay. And did he tell you like where he wanted you to go?

A To sit on the curb.

Q So, his exact words were --

A Would you have a seat on the curb.

Q Now, before he told you to have a seat on the curb, did he conduct any search of you?

A No.

Q Okay.

THE COURT: I didn't hear what you said.

A No.

MR. ZAREMBA: Okay. Did there come a time when he did search you?

A Yes.

Q When was this?

[47] A This was after he told all of us to get out of the

car, then he separated us and questioned us. Then after he found the drugs, he searched us.

Q And how did he search you?

A He patted like dug in our pockets.

Q Okay. Did he go inside your pockets?

A Yes.

Q What did he take out of your pockets?

A My keys and my driver's license.

Q Okay. Now, after Officer Snyder discovered some drugs, what, if anything, did he say to you?

A He told me if he didn't find out whose drugs they was, he was going to lock all three of us up.

Q And what did you say to him?

A I told him I didn't know whose they were.

Q In fact, did you get locked up?

A Yes.

Q Did he arrest you there at the scene?

A Yeah.

Q What did he do with you then?

A He took us to the precinct, had us handcuffed. He

was telling us I am going to give you one last chance to tell me whose drugs these are or I am going to charge all three you all with what I found.

Q Now, where were you when he made this statement **[48]** to you?

A I was handcuffed to like a wall thing with shackles and stuff.

Q And how long had you been handcuffed there?

A Before he said that?

Q Yeah.

A Like probably as soon as we got in there.

Q As soon as you got in there?

A Yeah.

Q Then how long were you handcuffed to the wall before he made that statement to you?

A Like about a half an hour to an hour. Something like that.

Q And did you give a statement?

A Yes.

Q Why did you give a statement?

A Because he said that if we didn't tell him whose drugs they was, he was going to arrest us. I felt threatened.

Q You felt threatened?

A Yes.

Q Did you feel threatened by the fact that you were under arrest?

A Right.

Q How long had you been under arrest at this point?

[49] A Probably two hours.

Q Okay.

A Since he pulled the car over.

Q Now, where were you when you gave a statement?

A When I wrote it?

Q When you wrote it.

A I was in the little room that he had. Right beside where they had all of us contained to the wall.

Q Were you shackled?

A Yes.

Q How were you shackled?

A By the feet and one by the arm.

Q Which arm?

A My right arm.

Q Which arm did you write the statement?

A My left hand. I am left-handed.

Q I mean, why were you covering for your buddies?

A I didn't want them to get in trouble. It is wasn't their's.

Q Okay.

THE COURT: I didn't hear the last statement.

A I said it wasn't their's.

THE COURT: It was not their's?

A Yeah.

MR. ZAREMBA: And as a result did they get **[50]** charged with this?

A No, they didn't.

MR. ZAREMBA: Thank you. Your Honor, I have no further questions.

THE COURT: Mr. Trimble.

MR. TRIMBLE: Mr. Pringle, you did the stand-up thing and took the fall for your own drugs, right?

A Yes.

Q Okay. Now, Officer Snyder had told you at the scene that somebody should say whose they were, right?

A He said if you don't tell me who they was, I am going to lock all three of you up.

Q And he did that?

A Yes.

Q So, when you say he said this again back at the precinct, you were threatened and you felt threatened at that time?

A Yes.

Q Even though you had already been arrested?

A Yes.

Q And you had already been processed and the 166 was already filled out?

A No, it was not filled out.

Q But he completed a 166 form for each one of you three, right?

[51] A Yes. I guess. I don't know what a 166 is.

Q He took all of your information and put it down on a form and gave to another officer?

A I know he did me. I don't remember him doing them at all.

Q Okay. Now, after you were taken inside the Interview room, you were advised of your rights per Miranda, right?

A No.

Q No? Well, you wrote down the statement, correct?

A Right.

Q You don't remember answering the question that you had been read those rights?

A Yes, I remember.

Q Why would you say that then?

A He told me if I didn't write what he said to write, then he would lock all three of us up.

Q And he would lock you up again a third time, is that correct?

A No.

Q Well, you just said that he told you that if you didn't write what he wanted you to write that he was going to lock all of you up.

A Right.

[52] Q Now, this was in the interview room?

A No.

Q I see. Well, you said that you took the fall not because they were your drugs?

A Right.

Q So, everything you wrote in that statement that you had gone up to Westminster, that you were going to look for some girls, all of that stuff was true, right?

A Yes.

Q And it was true that you had taken these drugs from somebody who owed you money?

MR. ZAREMBA: Well, Your Honor, I object as to relevancy at this point.

MR. TRIMBLE: I believe it is very relevant with regard to the truthfulness of these statements.

THE COURT: But the question is voluntariness of the statement.

MR. TRIMBLE: And the truthfulness of those statements goes to their very voluntary nature.

THE COURT: He has already testified that it was his drugs.

MR. TRIMBLE: I understand that, Your Honor. I am getting into the specifics of the statement.

THE COURT: Okay. You have gone far enough.

MR. TRIMBLE: All that information you wrote **[53]** down, Officer Snyder couldn't have dreamed that up, could he?

A No.

Q So, those were actually your words, right?

A It was my words. He like illustrated to me how he wanted me to say it.

Q Okay. Now, Mr. Pringle, let me ask you another question here. Since your eightteenth birthday or in the past fifteen years where you have been represented by an attorney or waived your right to an attorney, have you been convicted of a crime that would go towards your moral turpitude? By that I mean your inherent honesty, a crime such as common law felony or some other crime of dishonesty.

A No.

MR. ZAREMBA: Objection.

THE COURT: Overruled.

MR. TRIMBLE: Mr. Pringle, let me specifically address 1992, April 29 where you were convicted of a first degree sexual offense. Were you convicted of a first degree sexual offense?

MR. ZAREMBA: Objection.

THE COURT: Overruled.

A It was in 1990.

MR. TRIMBLE: I am sorry. Let me next direct you to March 15, 1993. Were you convicted of distribution of drugs?

[54] MR. ZAREMBA: Objection.

A Yes.

THE COURT: Overruled.

MR. TRIMBLE: Those are all the questions I have.

MR. ZAREMBA: I have nothing further.

THE COURT: You may step down.

MR. TRIMBLE: Your Honor, no rebuttal.

THE COURT: Counsel.

MR. ZAREMBA: Your Honor, thank you.

MR. TRIMBLE: Could I have the officer come in and listen to argument?

THE COURT: Yes.

MR. TRIMBLE: Thank you.

MR. ZAREMBA: Your Honor, the fact that we learned after the fact that the drugs were indeed Mr. Pringle's is not a relevant consideration as to whether prior to making that admission the officer had probable cause to arrest Mr. Pringle and whether the statement that Mr. Pringle gave was voluntary. That's what we are concerned with here.

THE COURT: Well, to have fear that you are going to get locked up and you are already locked up, that does not sound like much of a threat. You are already locked up.

MR. ZAREMBA: Again, I will address that.

THE COURT: Let's get back to this, I don't understand where the constitutional violation is. Tell me **[55]** about that.

MR. ZAREMBA: The constitutional violation is two-fold in this case.

THE COURT: Okay.

MR. ZAREMBA: Number one, I do not believe that Officer Snyder had any probable cause to arrest Mr. Pringle. I think there is case law that is right on point such as Collins versus State.

THE COURT: What does that say?

MR. ZAREMBA: 322 Maryland 675. It says that if you are hanging around a car, mere proximity to drugs that are secreted within the car, your physical proximity does not give rise to probable cause to arrest. In Collins versus State, there were several individuals who were standing within five --

THE COURT: He is in the car.

MR. ZAREMBA: I understand that. He is in the car. Again, the drugs are in the back seat in an area where when the police officer approaches the car, he can't see the drugs.

THE COURT: But you have constructive possession. You have to go back to constructive possession, which is the probable cause. It is an arm's reach of where they are. That's the construct, not outside the car after he is taken outside. I mean, you have to deal with him inside the car, **[56]** constructive possession. That is, whether or not there is probable cause. That's the issue.

MR. ZAREMBA: I understand. In every case where Court of Appeals has looked to this issue when there is an individual in proximity to drugs that are not apparent, for instance, Taylor versus State where there is an individual

sleeping in a room and there is marijuana in a bag --

THE COURT: But that didn't go to probable cause. That went to reasonable doubt.

MR. ZAREMBA: No, Taylor found that no rational trier of fact could conclude that Taylor was guilty beyond a reasonable doubt. Collins cites --

THE COURT: Exactly. Exactly.

MR. ZAREMBA: Collins cites Livingston versus State where we have sort of the -- we have the same situation here only in Livingston the drugs were in the front seat. Collins cites Livingston for the proposition that there is no probable cause to arrest an individual. I mean, the driver of the car has constructive possession of what is in his vehicle. Collins points that out. In Collins, they maybe had probable cause to arrest the driver. They may have had probable cause to arrest the individual who removed the cannister of drugs, opened it up in a secretive manner. In Collins, there is absolutely no probable cause to arrest these guys merely because they were near this car.

[57] THE COURT: Okay. They were not even in the car.

MR. ZAREMBA: In Collins they were standing outside the car.

THE COURT: In this case they were in the car. You are saying in Collins that's the basis for me making the decision. I have to deal with the fact of them being in the car, him being in the front seat. The drugs being found not somewhere down the street. They were in the back seat behind an armrest. That's what the officer had in his mind. That's what he decided as to whether or not he had probable cause.

MR. ZAREMBA: Again, the drugs are near where a back seat passenger was seated. I mean, that was the officer's testimony.

THE COURT: Right. But in arm's reach of the front seat passenger. It was not a stretch limousine.

MR. ZAREMBA: The officer testified that when he approached the car, he looked inside and he sees no drugs. He does not testify that he sees any further movement on the part of Mr. Pringle. That Mr. Pringle turned around and placed some drugs in a back seat armrest. He does not see --

THE COURT: And that all goes to reasonable doubt. It does not go to probable cause. I mean, that's a totally different standing. Here we are dealing with a situation as to whether or not a reasonable person may have thought that a person could reach over there and place those [58] drugs within arm's reach behind him, which they could have. It is a 1987 Maxima. That is not a very large vehicle.

MR. ZAREMBA: Your Honor, in Collins, I mean, all the cases --

THE COURT: Those cases deal with probable cause or do they deal with reasonable doubt?

MR. ZAREMBA: Both. Collins cites Livingston versus State.

THE COURT: But in Collins you said that was someone outside the car and not inside the car. That's a whole different situation.

MR. ZAREMBA: But it cites all of those cases for the proposition that to have probable cause to believe that

somebody in possession of something, constructive or otherwise, you have to have some basis to believe that the person is exercising dominion and control over the thing. They cite Dawkins (phonetic), they cite Leech, they cite Livingston all for the proposition that first of all, you have to have some basis for believing that the person knew that the drugs were there. Here there is no basis to conclude that a front seat passenger in the position of Mr. Pringle knew that the drugs were there in the back seat based on the information that the officer had at the time that he arrested Mr. Pringle. Like I said, he looked at the car. He did not see the drugs when he approached the car. There is no basis for him to **[59]** conclude that Mr. Pringle would have likewise seen the drugs or known that they were there. It was only when the officer places the armrest down that the existence of these drugs becomes apparent to anyone. That would be the only situation in which it would be apparent. Again, as a front seat passenger there is absolutely nothing to believe or suspect that the front seat passenger would know that drugs were there. He asked Mr. Pringle and Mr. Pringle denied knowledge.

THE COURT: Well, I think one reason they may know they are there is because he placed them there. Within an arm's reach. That's a reasonable assumption.

MR. ZAREMBA: Again, Your Honor, --

THE COURT: I am thinking only on the fact that they were in arm's reach in the way he was seated. Especially when they were not secreted. They were just basically placed back there and hidden by the armrest. That was the information that he had before he made the arrest.

MR. ZAREMBA: I would argue, Your Honor, that the drugs are secreted under those circumstances. He can't see them. The armrest is certainly placed up there for some

purpose.

THE COURT: To hide them.

MR. ZAREMBA: To hide them.

THE COURT: From the police.

MR. ZAREMBA: Exactly.

[60] THE COURT: Well, he didn't do a very good job. He didn't have much time.

MR. ZAREMBA: I know. It means that the drugs are secreted. Based on what the officer knew at the time that he arrested Mr. Pringle, Your Honor, I would say and I would argue to the Court there was no probable cause to arrest Mr. Pringle.

Then under Supreme Court cases such as Taylor versus Alabama, the mere fact that Miranda rights are given does not mean that the Court should not suppress the evidence. If there is no probable cause to support the arrest, then even Miranda warnings don't secure a consent statement. It does not secure a subsequent infirmity of the arrest.

The second thing that I will argue, Your Honor, I believe that under both Maryland Common Law dealing with voluntariness of confessions and under the fifth and fourteenth amendment and Article 27 of the Maryland Declaration of Rights, the statement was as a result of an improper inducement. That inducement was the threat that if Mr. Pringle didn't own up to the drugs, the other two individuals would be charged.

THE COURT: It was not like he was his mother.

MR. ZAREMBA: I understand that, Your Honor. There is case law I believe is clearly on point. Bellamy versus State, 50 Maryland App. --

[61] THE COURT: What was that?

MR. ZAREMBA: That one was give me a statement to me or I will charge your girlfriend. The Court of Special Appeals held under those circumstances that that was an improper inducement. Stokes versus State is another case. That was a Maryland Court of Appeals opinion, Your Honor.

THE COURT: He has already charged everybody, so he is not saying that I am going to charge you. That case you cited me you said unless you give a statement, I am going to charge so and so. In this case he has already charged everybody.

MR. ZAREMBA: Then he subsequently let them all go.

THE COURT: Right. But that's not a threat. What is the opposite of a threat?

MR. ZAREMBA: It is an inducement. Whether you call it a threat or you call it an inducement --

THE COURT: But everybody is already charged.

MR. ZAREMBA: But you heard --

THE COURT: So, if he keeps quiet, what is going to happen?

MR. ZAREMBA: If he is quiet, then all three remain charged with this offense.

THE COURT: They are already charged, so where is the

threat?

[62] MR. ZAREMBA: When he speaks to two of the three, the charges are -- they are no longer charged. That's the testimony of the officer. He said as a result of Mr. Pringle saying that these drugs were his, Mr. Parlo and Mr. Smith were not prosecuted.

THE COURT: And you think that's the same as the girlfriend?

MR. ZAREMBA: What matters is not the relationship that you have to another individual. What matters is is this an inducement or not.

THE COURT: Okay. So, if they say I am going to charge the guy and if you don't know, that would be an illegal inducement. It has to be some type of relationship for it to have any force and effect.

MR. ZAREMBA: Perhaps in the scenario that you gave, correct. But under the circumstances in this case, I see no distinction between close personal friends, which is what my client testified to, and somebody who is a girlfriend. That's my argument.

THE COURT: Thank you, Counsel.

MR. TRIMBLE: Your Honor, in regard to the statement, first off, to even get to the area of the inducement, we have to take the words of the Defendant as to what happened. Officer Snyder was clear in saying, you know, I may have said at the scene tell me whose drugs they are or I **[63]** am going to lock you all up. He didn't say any of those words once at the precinct. So, if we buy into what Mr. Pringle says that while he is shackled to the wall next to the interview room, the officer

says you got one last chance to tell me or I am going to lock you all up, that he decides well, you know, they are my drugs and I am going to let my buddies go. Amazingly enough Officer Snyder did not say hey, if you tell me they are yours, I will unlock these two guys and let them go. That would be the opposite of the threat that really does not have any force since they are already locked up. Unlike in the Bellamy case, they were actually already locked up, already transported back from the scene to the precinct. The girlfriend in Bellamy was sitting at home. She had never been locked up. She had never been dragged down to the police station and she was not sitting next to Mr. Bellamy shackeled. Mr. Parlo already under lock and key just like Mr. Pringle. Also, Your Honor, you have to take into consideration Mr. Pringle's statement. Not only did the officer make this threat to him, he then directed him to write all these answers.

Now, the Miranda warnings that he allegedly was not read was the one answer oh, yeah, he told me to write that. Well, I asked him about the other stuff because I wanted to know. Mr. Pringle said the officer told me to write everything. He did admit that the officer would have absolutely no idea that **[64]** he should write all that stuff unless the Defendant told him. If the Defendant wasn't being open and honest and cooperative having already been advised of all of those rights, he wouldn't have told him all of those things and Officer Snyder wouldn't have him write down all those things in an effort to coerce this confession and get a lock solid confession in this case.

It is no threat. It is no inducement. The Miranda warnings were properly given. Your Honor, I would ask that in terms of the statement that you find that it is valid and that it comes in.

In regard to probable cause to stop, the State agrees with you, Your Honor. In regard to Collins, all those folks are outside the car. There is a baggie of drugs I believe on the

front seat of the vehicle. The police come up and lock everybody up. In their words, they could have reached in the car to get the drugs. The Court said no. We are not putting an arm's reach through a window of a car that's parked there. However, this is not that situation. It is not a locked compartment or a secret compartment. It is a folding up armrest. The Defendant would have a much better argument in Taylor on reasonable doubt where there was a gentleman who was sleeping in a room where people were smoking marijuana and the Court said the fact that he is asleep in the room would obviate any control or dominion of the drugs being smoked by **[65]** the other folks in the room. But that's not a probable cause case. That's a reasonable doubt case. We are not there. We are at probable cause. Clearly, the police officer who in searching the vehicle finds a large amount of cash in the glove box right in front of the Defendant and then subsequently finds the crack cocaine folded up into the armrest of the rear seat would have probable cause to arrest the Defendant. Therefore, take him downtown or downtown Garrison, read him his rights and subsequently get a valid confession.

Thank you.

THE COURT: Thank you. Very well. The Court has listened to the testimony in this particular case. The Court does feel that the officer acted properly. That the officer did not violate any of the Defendant's constitutional rights. There was a consent search of the vehicle. Upon the search drugs were found within an arm's reach of the Defendant, not in a secretive place or in a locked place. As well as put the armrest back up. The other factor that was not argued is the fact that there was money in front which you have money in front, drugs in the back, both in arm's reach of this particular Defendant, I think the officer had probable cause to make the arrest as he did. He took them to the Garrison Precinct. I don't believe that there were any unconstitutional threats made to him. He gave him

his Miranda **[66]** rights. He asked him if he wanted to make a statement, which he did. The Court does not find any unconstitutional infirmities as well.

Motion denied.

MR. ZAREMBA: Thank you.

THE COURT: Thank you very much.

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(WHEREUPON, the Court adjourned.)